

Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
GAP Broadcasting, LLC)	File No.: EB-FIELDSCR-13-00010267
)	
Licensee of Station KTIB-AM)	NOV No.: V201332620025
)	
Thibodaux, LA)	Facility ID: 36183
)	

NOTICE OF VIOLATION

Released: August 20, 2013

By the Deputy Regional Director, New Orleans Office, South Central Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission’s rules (Rules)¹ to GAP Broadcasting, LLC, licensee of AM Station KTIB in Thibodaux, Louisiana. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation(s) noted herein.²

2. On July 31, 2013, an agent of the Enforcement Bureau’s New Orleans Office inspected Station KTIB located at 108 Green St., Thibodaux, LA, and observed the following violations:

- a. 47 C.F.R. § 11.35(a): “EAS participants are responsible for ensuring that EAS Encoders, EAS Decoders and Attention Signal generating and receiving equipment used as part of the EAS are installed so that the monitoring and transmitting functions are available during the times the stations are in operation.” At the time of the inspection, Station KTIB was not monitoring any stations and was unable to receive any EAS tests or alerts. Accordingly, the Station’s EAS equipment was not fully operational.
- b. 47 C.F.R. § 11.52(d)(2): “Emergency Alert System (EAS) participants must comply with the following monitoring requirement: With respect to monitoring EAS messages formatted in accordance with the specifications set forth in § 11.56(a)(2), EAS Participants’ EAS equipment must interface

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

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with the Federal Emergency Management Agency's Integrated Public Alert and Warning System (IPAWS) to enable ... the distribution of Common Alert Protocol (CAP)-formatted alert messages from the IPAWS system to EAS Participants' EAS equipment.” At the time of inspection, KTIB’s EAS equipment, a Sage EAS Endec Model 1822, did not have an interface with the Federal Emergency Management Agency’s IPAWS.

- c. 47 C.F.R. § 73.1820(a)(1)(C)(iii): “Entries must be made in the station log either manually by a person designated by the licensee who is in actual charge of the transmitting apparatus, or by automatic devices meeting the requirements of paragraph (b) of this section. Indications of operating parameters.... The actual time of observation must be included in each log entry. The following information must be entered: An entry of each test and activation of the EAS pursuant to the requirement of part 11 of this chapter and the EAS Operating Handbook. Stations may keep EAS data in a special EAS log which shall be maintained at a convenient location; however, this log is considered a part of the station log.” At the time of inspection, Station KTIB could not produce EAS logs for the past six months.

3. As the nation’s emergency warning system, the Emergency Alert System is critical to public safety, and we recognize the vital role that broadcasters play in ensuring its success. The Commission takes seriously any violations of the Rules implementing the EAS and expects full compliance from its licensees.

4. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,³ and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, GAP Broadcasting, LLC, must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific actions taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.⁴

5. In accordance with Section 1.16 of the Rules, we direct GAP Broadcasting, LLC, to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of GAP Broadcasting, LLC, with personal knowledge of the representations provided in GAP Broadcasting, LLC’s, response, verifying the truth and accuracy of the information therein,⁵ and confirming that all of the information requested by this Notice which is in the

³ 47 U.S.C. § 308(b).

⁴ 47 C.F.R. § 1.89(c).

⁵ Section 1.16 of the Rules provides that “[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person Such declaration shall be subscribed by the

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licensee's possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁶

6. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
New Orleans Office
2424 Edenborn Ave.
Suite 460
Metairie, LA 70001

7. This Notice shall be sent to GAP Broadcasting, LLC, at its address of record.

8. The Privacy Act of 1974⁷ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

Lloyd Perry
Deputy Regional Director
New Orleans District Office
South Central Region
Enforcement Bureau

declarant as true under penalty of perjury, and dated, in substantially the following form . . . : 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)'." 47 C.F.R. § 1.16.

⁶ 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).